IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8017 OF 2005

Office Notes, Office Memoranda of : coram, appearances, Court's Orders: or directions and Registrar Orders:	Court's or Judge's orders

Mr.Neel Helekar for the Petitioner.

Mr.T.S. Ingale for Respondents No.1 and 2.

Ms.M.P. Thakur, A.G.P. for Respondent No.3.

CORAM : H.L. GOKHALE &
J.H. BHATIA, JJ.

DATE : 19TH JUNE 2006

P.C. :

1. Heard the counsel for the parties.

2. The Petitioner was working as a Medical Officer under the 1st Respondent Medical Council. He joined the Municipal Council in the year 1976 and was regularised in April 1984 and resigned on 2nd September 1994 which was after about 18 years of completion of service. The resignation was accepted on the same day, i.e. 2nd September 1994 when he applied for

resignation. The present petition prays that the Respondents be directed to pay pensionary benefit and gratuity to the Petitioner.

3. The rule, which is sought to be invoked, is Rule 30 of the Maharashtra Civil Services (Pension) Rules. The rule is clear, namely that in the case of resignation or voluntary retirement, the person concerned has to complete 20 years of service to get the pensionary benefit. Obviously prayer (a) of the petition cannot be accepted. As far as prayer (b) of the petition, i.e. for gratuity, is concerned, Mr.Ingale states that the Petitioner would be eligible for gratuity. He may apply to the Municipal Council and the Municipal Council will consider the application of the Petitioner within 8 weeks from the date of receipt of this order.

4. Petition stands disposed of with the above order.

(H.L. GOKHALE, J.)

(J.H. BHATIA, J.)